

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

## Caption in Compliance with D.N.J. LBR 9004-1(b)

Robert G. Shinn, Esquire (#022871989 )  
 Woodland, Mc Coy & Shinn, LLC  
 Attorneys-at-Law  
 2 North Union Street  
 P.O. Box 134  
 Manahawkin, NJ 08050  
 (609) 597-5666

In Re:  
 Gregory Steven Tillman  
 aka Greg Steven Tillman  
 d/b/a Park Avenue Vending Debtor

Case No.: 19-28709ABA  
 [Enter the case number]  
 Chapter: 13  
 [Enter the chapter; example: 13]  
 Hearing Date: February 18, 2020  
 [Enter the hearing date]  
 Judge: Altenberg, Jr.  
 [Enter the Judge's last name]

### NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY

[Enter your name] Robert G. Shinn, the Attorney for the debtor's landlord, has filed papers with the court requesting relief from the automatic stay in order to initiate or resume an action in the state court of New Jersey for possession of the premises rented by the debtor(s) located at:  
 600 Martin Luther King Avenue "Unit C", Pleasantville, NJ 08232

**YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: February 18, 2020  
 [Enter the date of the hearing]  
 Hearing Time: 10:00 a.m.  
 [Enter the time of the hearing]  
 Hearing Location: Michell H. Cohen U.S. Courthouse  
 [Enter the location of the hearing]  
400 Cooper Street, 4<sup>th</sup> Floor  
Camden, NJ 08101  
 Courtroom Number: Courtroom 4B  
 [Enter the courtroom number]

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

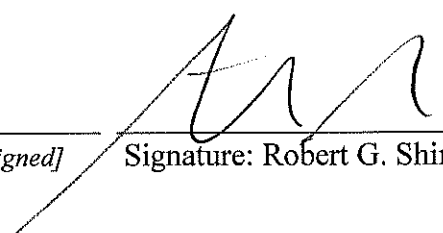
*Jennifer R. Gorchow  
Office of The Chapter 13  
Standing Trustee  
535 Route 38  
Cherry Hill, NJ 08002*

*Jeffrey E. Jenkins  
Jenkins and Clayman  
412 White Horse Pike  
Audubon, NJ 08106*

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: January 23, 2020

*[Enter the date this document is signed]*

  
Signature: Robert G. Shinn, Attorney for Peter Reese

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**CERTIFICATION OF LANDLORD IN SUPPORT  
OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

I, [Enter the name of the person that has personal knowledge of the facts set forth below]

Peter Reese, landlord in the above captioned case, submits this  
Certification in support of the Motion for Relief from the Automatic Stay filed on [Enter the date the  
motion was filed] January 23, 2020.

1. I am fully familiar with the debtor's rental payment history because I am the landlord of the  
property rented by the debtor.
2. The property is located at: [Enter the address of the property] 600 Martin Luther King Avenue, "Unit C",  
Pleasantville, NJ 08232
3. The debtor filed for bankruptcy on [Enter the date the debtor filed their petition] October 1, 2019.

4. Pre-petition *[check one]*:

☐ I started an eviction action in the New Jersey state court and a copy of the complaint is attached as Exhibit A, or

☒ I did not start an eviction action.

5. Pre-petition *[check one]*:

☐ I obtained a Judgment for Possession and a copy of the Judgment is attached as Exhibit B, or

☒ I did not obtain a Judgment for Possession

6. I am seeking relief from the automatic stay to *[check all that apply]*:

☐ enforce the Judgment of Possession;

☒ pursue my state court rights because of the debtor's nonpayment of rent;

☐ pursue my state court rights because of debtor's endangerment of the property in the 30 days before the petition date *[explain below]*

☐ pursue my state court rights because the debtor illegally used, or allowed to be used, controlled substances on the property in the thirty (30) days before the petition date *[explain below]*

☒ other *[explain]* The debtor has not paid the utilities to the property. The property previously had frozen pipes burst. Debtors petition advises Debtor rejects the verbal lease.

7. The amount of the debtor's monthly rental payment is \$ 1,600.00 + utilities \_\_\_\_\_.

8. Pre-petition, the debtor owed rent and gas totaling \$ 10,513.86 \_\_\_\_\_, which represents unpaid rent for six (6) months.

9. The debtor's post-petition payment history is as follows *[Enter requested information for each payment due]*:

	Amount Due	Payment Due Date	Date Payment Received	Amount Received	How Payment Was Applied
1	1,600.00	10-1-19	N/A	0	N/A
2	1,600.00	11-1-19	N/A	0	N/A
3	1,600.00	12-1-19	N/A	0	N/A
4	1,600.00	1-1-20	N/A	0	N/A
5	+ UTILITIES				
6					
7					
8					
9					
10					
11					
12					

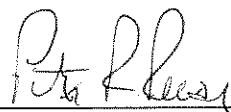
10. Post-petition, the debtor owes rent totaling \$ 6,400.00 , which represents unpaid rent for four (4) months, plus late charges totaling \$ Utilities of \$ .

11. The debtor's failure to pay rent is cause for relief from the automatic stay.

12. Through this motion, I request relief from the automatic stay so I may initiate or continue an action in the state court to remove debtor from the rented premises.

I certify under penalty of perjury that the above is true.

Date: January 23, 2020  
*[Enter the date this document is signed]*

  
Signature of Landlord: Peter Reese, Owner

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**STATEMENT AS TO WHY NO BRIEF IS NECESSARY**

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

This is a tenancy matter. The tenant was in arrears when he filed for relief. His petition Part 6 Executors/ Contracts and unexpired leases states Debtor rejects the verbal lease. He has not paid the rent or utilities since he filed. The Landlord is paying the utilities since the tenant previously caused the pipes to freeze and burst. Tenant, through his Bankruptcy Attorney's office has repeatedly promised to vacate but has not

Date: January 23, 2020

[Enter date this document is signed]



Signature: Peter Reese, Owner

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## CERTIFICATION OF SERVICE

1. I, Mary Ellen Ferringo:

       represent Peter Reese, the landlord in this matter.

X am the secretary/paralegal for Robert G. Shinn, who represents  
Peter Reese, the landlord in this matter.

       am the landlord in this case and am representing myself.

2. On [Enter the date you served the documents] January 23, 2020, I sent a copy of  
 the following pleadings and/or documents to the parties listed in the chart below.

*[Place a check next to each document you served]*

X Notice of Motion for Relief from the Automatic Stay

X Certification of Landlord in Support of Motion for Relief from the Automatic Stay

X Statement as to Why No Brief is Necessary

X Proposed Order Granting Motion for Relief from the Stay

       Other *[Explain]* \_\_\_\_\_

3. I certify under penalty of perjury that the above documents were sent using the mode of  
 service indicated.

Date: January 23, 2020  
*[Enter the date you signed this document]*

  
 Signature: Mary Ellen Ferringo

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Jenkins Clayman Jeffrey E. Jenkins, Esquire 412 White Horse Pike Audubon, NJ 08006	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
Jennifer R. Gorchow Office of The Chapter 13 Standing Trustee 535 Rt. 38 Cherry Hill, NJ 08002	Bankruptcy Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail  <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
Gregory Steven Tillman Aka Greg Steven Tillman d/b/a Park Avenue Vending 532 Old Marlton Pike West Marlton, NJ 08083	#567 Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail  <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
Brian C. Nicholas KML Law Group, P.C. 216 Haddon Avenue, Suite 406 Westmont, NJ 08108	Citigroup Mortgage Loan Trust, Inc.	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail  <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)



Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Isabel C. Balboa, Esquire Cherry Tree Corp Center 535 Rt. 38, Suite 580 Cherry Hill, NJ 08002	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/ Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
Kevin Gordon McDonald KML Group 701 Market Street, Suite 5000 Philadelphia, PA 19106	Citigroup Mtg. Loan Trust Inc.	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/ Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
William M.E. Powers III Powers Kirn, LLC PO Box 848 Moorestown, NJ 08057	US Bank National Assoc., Trustee for Citigroup	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/ Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
<i>[Enter the name and address of the party you served]</i>	<i>[Enter the party's relationship to the case]</i>	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/ Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
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**ORDER GRANTING MOTION FOR RELIEF FROM THE STAY**

The relief set forth on the following page is **ORDERED**.

*[Leave the rest of this page blank]*

The Court having reviewed the movant's Motion for Relief from the Automatic Stay, and any related responses or objections, it is hereby

ORDERED that:

1. The automatic stay is vacated to permit the landlord to initiate or resume an action in the state court of New Jersey for possession of the debtor's rented premises located at:

600 Martin Luther King Avenue, "Unit C", Pleasantville, NJ 08232.

2. The landlord shall serve a copy of this order on the debtor, debtor's attorney, if any, the Office of the U. S. Trustee and any trustee appointed in this case, and any other party who entered an appearance on the motion.

3. Other: *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_